zel takes up the history of the word Nomos in the epic poets, and by its usage as far as Clisthenes, shows that the word meant customs or habits, which, as in Hesiod for example, both animals and men had alike. He brings in from the writers of the fifth and fourth centuries many examples to prove the old meaning of the word as still used for customs or manners. Slowly, however, the idea came that in Nomos, also, a command was implicit, and as it became stronger it brought out Nomos sharply and clearly as a new idea. The word came to mean orders of tyrants, and the rules of the sciences and the arts. Later, Nomos appears as the source of Dike, not merely an expression of it. The youngest legal principle becomes the most powerful. The new real son of Zeus is Nomos, and he gets all the hymns of praise formerly offered to Dike.

Speaking generally it may be said that Professor Hirzel has brought together all the literary occurrences of the words with which he deals. He has mastered the intricacies of his subject and adheres to the natural divisions. The only criticisms that the work would seem to justify are that the notes are too heavy and overbalance the text, and that the author displays an excessive desire to ascribe to the Greeks the creation of all possible forms of law. If sovereignty be needed as the basis of law, Themis is present to fill any gap in the argument; if customary law be held to furnish the basis of legal development, Nomos is at hand; if the historical method requires illustration, Dike is presented with a history continuous enough to satisfy all demands, and if the comparative method be demanded the author has sufficient facts in hand and does not stint their use.

R. V. D. MAGOFFIN.

LE DROIT INTERNATIONAL: LES PRINCIPES, LES THEORIES, LES FAITS. PAR ERNEST NYS, Conseiller à la Cour d'Appel, Professeur à l'Université de Bruxelles, Membre de la Cour permanente d'arbitrage. (Bruxelles: Alfred Castaigne. Paris: Albert Fontemoing. Tome iii, pp. 758. 1906.)

The first two volumes of this work were noticed in an earlier number of this REVIEW (vol. i, pp. 145–148). The elaborate treatment which they contained of certain topics gave promise of a more comprehensive treatise than the completed work now presents. More than half of the present volume (463 pages) is devoted to the subject of war, while the law of neutrality is covered in 138 pages, and the important subject of arbitra-

tion is summarily dismissed in 20 pages. Other topics included in this volume are negotiations, treaties, means of coercion other than war, the seizure and judgment of prizes, and peace.

Our author shows a wide acquaintance with the literature of the subject, particularly with the writings of continental publicists, from whom by far the greater part of his citations are made. Recognizing custom and treaties as the only sources of international law, he practically ignores case law. While certain English and American writers have displayed an undue propensity for case-hunting, it is just as bad to err in the other direction, as M. Nys has done. Even granting that the decisions of prize courts and courts of arbitration are not sources of law in the strict sense, they are at least entitled to respect as evidence of what the customary rules of law are. On many points of law the decisions of prize courts and state papers afford the only conclusive evidence as to the present attitude of states and therefore they can not be ignored in any treatise which aims at more than a purely theoretical discussion.

The chapters on arbitration are not satisfactory either as an historical survey or as a critical exposition of the subject. The author makes a general application of Lorimer's statement to the effect that in the Alabama case "the decision of the arbiters rested on a definition made for a special purpose, and not on the common law of nations; it was the treaty of Washington of May 8, 1871, not the sentence of the arbiters of September 14, 1872, which prevented war." While this statement may be true of this case, a like objection can not be made to all arbitral decisions. The provisions of the convention establishing The Hague Court are given in outline, but there is no reference to the cases that have actually come before that tribunal.

On most of the disputed points M. Nys sides with the continental writers and condemns many of the English and American doctrines, such as the doctrine of *continuous voyage*. As a whole the work is well written and interesting. As an historical exposition of the rules of international law it has decided merits, but as a criticism of existing law it falls short of what might be expected in a work of its pretensions.

JOHN HOLLADAY LATANÉ.

THE LAW OF WAR BETWEEN BELLIGERENTS. By PERCY BORDWELL. Chicago: Callaghan and Company. 1908. Pp. xxiv, 374.)

It is as yet too early to ascertain the full effect which the work of The Second Hague Conference will have upon the course and development of